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February 11, 2020

By ECF

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Arroyo v. Dept. of Educ. of the City of N.Y.
Civil Action No. 19-cv-7416 (ER)

Dear Judge Ramos:

I am the Assistant Corporation Counsel assigned to represent Defendant, the Board of Education of the City School District of the City of New York, operating as the New York City Department of Education (DOE), in the above-referenced matter. I write to respectfully request that ECF Document Number 17-3 be sealed from public view.

On December 30, 2019, Defendant moved to dismiss the Complaint in this matter. Plaintiff then filed an Opposition to Defendant's Motion. Annexed to Plaintiff's Opposition as Exhibit I is a purported letter from Plaintiff to the Special Commissioner of Investigation, which contains student information, including the names of minor children, student identification numbers, and academic records. *See* Opposition at Exhibit I, ECF No. 17-3 at pp. 33 – 43. Under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232 et seq., school districts are deterred from adopting policies that would lead to the disclosure of student records. *See Ragusa v. Malverne Union Free Sch. Dist.*, 549 F. Supp. 2d 288, 292 (2008). Here, Plaintiff was in possession of student records as they pertained to her job duties as a high school chemistry teacher. Plaintiff is not permitted, however, to disclose personally-identifiable student information to the public.

Although student records may be disclosed to comply with a judicial order, Courts often require that such records are redacted and subject to other protection. *See, e.g., id.* at 294 – 95 (limiting disclosure of student records to plaintiff and counsel and requiring that they be redacted and returned at the conclusion of litigation); *Jacques v. Adelphi Univ.*, CV 10-3076 (LDW)(AKT), 2011 U.S. Dist. LEXIS 78077 at *5 (E.D.N.Y. Jul. 19, 2011) (compelling defendants to produce redacted transcript). Accordingly, Defendant respectfully requests the

seal of ECF Doc. No. 17-3 and respectfully requests that the Court order Plaintiff to re-file a redacted version of this document.

I thank the Court for its consideration of this matter.

Respectfully submitted,


/s/

Alana R. Mildner
Assistant Corporation Counsel

cc: **BY FIRST CLASS MAIL**
Reyna Arroyo
Plaintiff *Pro Se*
651 Tilden Avenue
Teaneck, NJ 07666

The Clerk of the Court is respectfully directed to permanently seal the exhibit, doc. 17-3. Plaintiff is directed to file a redacted version of the document.

SO ORDERED.



Edgardo Ramos, U.S.D.J

Dated: 2/12/2020

New York, New York

Copies Mailed/~~Faxed~~
Chambers of Edgardo Ramos